

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 829 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHARATBHAI RAICHANDBHAI KHONA

Versus

STATE OF GUJART

Appearance:

MR AM PAREKH for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 06/03/98

ORAL JUDGEMENT

1. Heard Mr.A.M.Parekh Ld.advocate appearing on behalf of petitioner. Leave to convert Criminal Misc.Application to Cri.Revn.Application is granted. Petitioner to comply with necessary formalities.
2. Rule. Ms B.R.Gajjar, LD APP waives service of rule. The petitioner has prayed for bail under section

439 on the ground that vide earlier order dated 4.9.97 copy of which is produced on running page 15. The petitioner was ordered to be enlarged on bail in the event of his arrest in respect of Cri.Reg.No.0024/97 registered at DCP Crime Police Station, Ahmedabad. That accordingly the petitioner was expected to apply for regular bail from the competent court within ten days from his arrest.

3. That the petitioner was arrested on 12.9.97.. That on 20.9.97 petitioner applied for regular bail before the court of Ld.Metropolitan Magistrate, Court No.11. However, ld.Metropolitan Magistrate rejected the application as per the order produced on running page 26 on the ground that pending the investigation the investigating agency has added additional offence made punishable under section 467 IPC and the Ld.Metropolitan Magistrate has no jurisdiction to entertain the bail application thereby the petitioner has moved the present petition for regular bail pursuant to earlier order of anticipatory bail.

4. Ld.APP has fairly stated at Bar that in view of earlier order granting anticipatory bail the petitioner may be enlarged on bail on the same terms and conditions. Hence, the petitioner is ordered to be enlarged on bail on executing bond of Rs.5000/- and furnishing two sureties of like amount to the satisfaction of the trial court and subject to the conditions that :

(a) he shall not take undue advantage of his liberty or misuse his liberty

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) not leave the local limits of DCP Crime, Ahmedabad Police Station without the prior permission of the Sessions Judge;

(d) furnish the address of his residence at the time of execution of the bond and shall not change his residence without prior permission of this court;

3. If breach of any of the above conditions is committed, the Sessions Judge will be free to issue warrant or take appropriate action in the matter.

Bail before the lower court having jurisdiction
to try the case.

Rule is made absolute. DS permitted.

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